

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No. *EC*

Plaintiff,

'08 MJ 1994

v.

COMPLAINT FOR VIOLATION OF:

Miguel MENDOZA-Quintana,

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

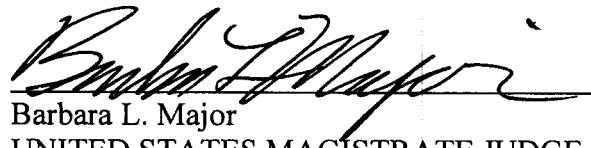
Defendant

The undersigned complainant, being duly sworn, states:

On or about **June 27, 2008** within the Southern District of California, defendant, **Miguel MENDOZA-Quintana**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent
SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF JUNE, 2008


 Barbara L. Major
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Miguel MENDOZA-Quintana

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On Friday, June 27, 2008, Border Patrol Agent T. Pesqueira was performing linewatch duties east of the Tecate, California Port of Entry. At approximately 4:45 p.m., Agent Pesqueira responded to the activation of a seismic intrusion device in an area known as the Cemetery, which is approximately one mile east and one hundred yards north of the Tecate, California Port of Entry. At the location, Agent Pesqueira noticed 14 individuals attempting to conceal themselves in the brush. Agent Pesqueira identified himself as a United States Border Patrol Agent and questioned each individual in reference to their citizenship and nationality, including one later identified as Miguel MENDOZA-Quintana. All fourteen individuals admitted to being citizens and nationals of Mexico not possessing any immigration documents allowing them to enter or remain in the United States legally. All fourteen individuals were arrested at approximately 4:50 P.M. and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 13, 2008 through San Francisco, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on June 28, 2008 at 09:30 a.m.



Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 27, 2008, in violation of Title 8, United States Code, Section 1326.



Barbara L. Major
United States Magistrate Judge

6/28/08 at 9:38AM
Date/Time

TKW

CONTINUATION OF COMPLAINT:
Miguel MENDOZA-Quintana

AMENDED
PROBABLE CAUSE STATEMENT

On Friday, June 27, 2008, Border Patrol Agent T. Pesqueira was performing linewatch duties east of the Tecate, California Port of Entry. At approximately 4:45 p.m., Agent Pesqueira responded to the activation of a seismic intrusion device in an area known as the Cemetery, which is approximately one mile east and one hundred yards north of the Tecate, California Port of Entry. At the location, Agent Pesqueira noticed 14 individuals attempting to conceal themselves in the brush. Agent Pesqueira identified himself as a United States Border Patrol Agent and questioned each individual in reference to their citizenship and nationality, including one later identified as **Miguel MENDOZA-Quintana**. All fourteen individuals admitted to being citizens and nationals of Mexico not possessing any immigration documents allowing them to enter or remain in the United States legally. All fourteen individuals were arrested at approximately 4:50 P.M. and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **June 13, 2008**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.